

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Failings Storage Tank Road
Range Improvement Project

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0136-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0136-EA
	DATE POSTED: May 16, 2013
NAME: 130418_Failings Storage Tank_Road Upgrade	DATE DUE: May 30, 2013
	FUNDING:
LOCATION: Custer Co. Storage Tank: T. 4 N., R. 49 E. Section 20 NE¼SE¼SW¼ Road: T. 4 N., R. 49 E. Section 32 E½NW¼	

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Dawn Doran	RMS	DLD 5/16/13

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife	5/21/13 BJB
Doug Melton	Archaeologist	Cultural	05/19/13 DM Cultural Report MT-020-13-156
Dena Lang	Outdoor Rec Planner	VRM, Recreation	6/12/13 DLD for DJL
Reyer Rens	Supervisory RMS	Review	RR 6/25/2013


ENVIRONMENTAL COORDINATOR

6/28/2013
DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0136-EA **RIPS#** 417708 Failing Pipeline #1 **GR#**
2503552

PROPOSED ACTION/TITLE TYPE: Failings Storage Tank and Road Upgrade

LOCATION OF PROPOSED ACTION: Custer Co.

Storage Tank:

T. 4 N., R. 49 E. Section 20 NE¼SE¼SW¼

Road:

T. 4 N., R. 49 E. Section 32 E½NW¼

PREPARING OFFICE: Miles City Field Office

DATE OF PREPARATION: 4-18-13

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River RMP ROD approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...” Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD says “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

BACKGROUND: Successful implementation of a deferred rotation grazing system is dependent on reliable livestock water sources. The current owners have been investing in and developing reliable water sources since acquiring the property. The Failings Allotment was determined to be meeting the Standards for Rangeland Health in 1999 and confirmed by an interdisciplinary team in 2011.

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 05/30/2013 for public information requests. Internal scoping identified the issues below. No additional issues were brought forth by the public.

ISSUES IDENTIFIED THROUGH SCOPING:

- Cultural/Paleontology
Effects to cultural sites, paleontological localities or sacred sites of interest to Tribes.
- Livestock Grazing
Effects to level of permitted use.
- Vegetation
Effects to vegetative condition and meeting Standards for Rangeland Health.
- Wildlife
Effects to habitats of game and nongame wildlife species.
- Visual Resource Management
Effects to visual resources

PURPOSE AND NEED: The purpose and need is to analyze the environmental effects of the proposed storage tank addition to the existing pipeline system and the two track road modifications. These actions are needed to provide sufficient water to group 600 cows in one herd to successfully implement a deferred rotation grazing system.

PROPOSED ACTION: Storage Tank: Modify the existing pipeline project, Failing Pipeline #1 (RIPs No. 417708) to authorize the permittee to install and bury a 30,000 gallon rail car storage tank on the public domain in the NE¼SE¼SW¼, Section 20, T. 4 N., R. 49 E. The storage tank location will be excavated to clear an area approximately 100 feet by 30 feet by 10 feet deep. Once the storage tank is set and plumbed into the existing line, the area will be backfilled around the storage tank.

Two Track Road Modification: Widen and straighten the two track road on the public domain in the E½NW¼, Section 32, T. 4 N., R. 49 E. to allow passage of another 30,000 gallon rail car storage tank. This tank will be placed on deeded land. Only the curved portions of the route will require modification. Trees will be removed along the route's curves and the route will be widened and smoothed to allow a semi pulling a railcar (approximate dimensions of the rail car 50 feet in length x 10 feet in width. Disturbance widths of the road will vary from 12 feet to 50 feet. Maximum length of disturbance is no more than 0.5 miles (See map).

Timing restrictions from March 1 to July 15 will be imposed for the protection of sharp-tailed grouse (March 1 to June 15) and migratory bird (April 15 to July 15) nesting and brood rearing activities for the entire project area.

ALTERNATIVE 1 - NO ACTION: Approval would not be granted to modify the Failing #1 Pipeline project or alter the two track road.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality			X
Cultural or Historical Values			X
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species			X
Environmental Justice			X

The following non-critical resources will not be impacted by this proposed action; therefore they will not be

analyzed in detail by this Environmental Assessment:

Cultural: The proposed storage tank location and surrounding area and road modification location were examined for cultural resources on 05/14/13. No cultural or paleontological remains were observed in either location (See BLM Cultural Resources Report MT-020-13-156). The proposed action would have no effect to cultural properties listed on or eligible for listing on the National Register of Historic Places.

Grazing Administration: Grazing is authorized from March 1 to February 28 to facilitate a deferred rotation grazing system.

Livestock Grazing: Permittees attempt to run a deferred rotation grazing system. Reliable water remains an issue. Permittees are investing and working towards improving water availability.

Soils: Soils have developed in alluvium and residuum derived from the Tongue River Member of the Tertiary Fort Union Formation. Lithology consists of light to dark yellow and tan siltstone and sandstones with coal seams. In many areas, the coal seams have burned, baking the surrounding rock, producing red, hard fragments. Differences in lithology have produced the topographic and geomorphic variations seen in the area. An erosion resistant cap of clinker, porcellanite or sandstone protects higher ridges and hills. Soils have surface and subsurface textures of silt loam and fine sandy loam. Soil depths vary from deep on lesser slopes to shallow and very shallow on steeper slopes. Soils are generally productive, though varies with texture, slope and other characteristics. There are no sodium salts present in large enough amounts to effect plant growth and productivity. Slopes may be as much as 75 percent though are generally 12 to 15 percent.

Varying geologic lithology, both horizontal and vertical, means that potential construction problems may not be apparent during preliminary investigation and will only become known when construction occurs. These problems may include, but are not limited to: competent sandstone which will require changes in excavation techniques; coal or lignite seams and sand or gravel lenses which will require lining the water holding area with impermeable material.

Vegetation: The Failings Allotment was assessed for the Standards for Rangeland Health in 1999. The assessment determined the Standards for Rangeland Health were being met. An interdisciplinary team visit again in 2011, confirmed that determination. The plant community is dominated by a grass and shrub component. Some parcels have a heavy tree component. Dominant species include western wheatgrass, prairie junegrass, blue gramma, needle and thread, green needlegrass, buffalograss, and bluebunch wheatgrass. The shrub and shrub-like components are dominated by fringed sage, Wyoming big sagebrush, and silver sagebrush. Tree species present are Rocky Mountain Juniper and Ponderosa Pine.

VRM: The VRM is within a Class IV objective. The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance and repeating the basic elements.

The landscape is typical for this portion of Custer County. The uplands are Ponderosa pine and juniper covered ridges, scoria outcrops and rolling hills covered by Wyoming big sagebrush and other native vegetation.

Wildlife: This allotment provides habitat for game species such as mule deer, white tailed deer, pronghorn, turkeys, sage grouse, and sharp-tailed grouse. This allotment provides winter range habitat for mule deer. In addition, one active sage grouse lek (CU-052) is located within the Failings Allotment boundary, and located in Section 2, T. 4 N. R. 48 E. on deeded land. This lek is approximately 4.6 miles from the project area. However, the proposed action area is predominately ponderosa pine and juniper habitat types, and does not provide habitat for sage grouse. Two “unknown” status sharp-tailed grouse leks are located within the allotment. One of these sharp-tailed grouse leks is located approximately 1.7 miles east of the proposed storage tank and also the same distance from the proposed road modifications. The second historic lek was located ¼ mile west of the proposed road modifications. No active sharp-tailed leks were found during a field visit on April 25, 2013. This area would not be considered “preferred” habitat for sharp-tailed grouse.

Non-game species that would be expected to utilize this area include a variety of songbirds, raptors, and small mammals. Approximately 400 acres of black-tailed prairie dog colonies are scattered across public and private lands. These areas may also provide habitat for other associated species. A Great Horned Owl nest and two Red-Tailed Hawk nests are located along Pumpkin Creek on deeded land. T&E species or habitats do not exist within this allotment.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: The proposed action would not impact cultural resources. Unanticipated discoveries of cultural resources would be subject to the cultural resource requirements in the cooperative agreement for the project.

Livestock Grazing: Additional water would facilitate the desired deferred rotation grazing system the operators are trying to implement.

Soils: Soil erosion from wind and water could occur during and shortly after project construction. Compaction of adjacent soils would occur due to equipment operation. Once construction is completed and vegetation is reestablished, erosion and compaction should return to natural conditions. Construction may run into problems not apparent at initial field inspection and may require modification of excavation techniques or lining of porous lenses and strata with impermeable material.

Vegetation: Implementation of the desired deferred rotation grazing system would increase the amount of growing season rest thereby improving the condition of the vegetative resource.

VRM: Short term impacts would affect the visual view shed of the area. Natural re-vegetation would be expected to return the area of disturbance close to the existing characteristic of the landscape. During construction, the action may dominate the view, however, once re-vegetation occurs, the natural landscape should return so it would dominate the view of the casual observer.

Wildlife: Most wildlife species would be displaced during construction activities; however, the diversity and distribution of wildlife would be expected to return to normal shortly thereafter. As the disturbances are located primarily along existing two-tracks, very little additional direct disturbance to habitat types will occur. Overall, a deferred grazing system would be expected to improve habitat conditions for the majority of wildlife species in this area.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

Cultural: There would be no impact to cultural or paleontological resources if the no action alternative is selected.

Livestock Grazing: Livestock would be split into smaller herds to balance with the available water. A deferred rotation grazing system would be implemented to the extent possible.

Vegetation: It is anticipated the Failings Allotment would continue to meet Health Standards; however, vegetative resource conditions would not reach the quality they would attain with the implementation of the desired grazing plan.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997. Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

MITIGATION:

CONSULTATION/COORDINATION:

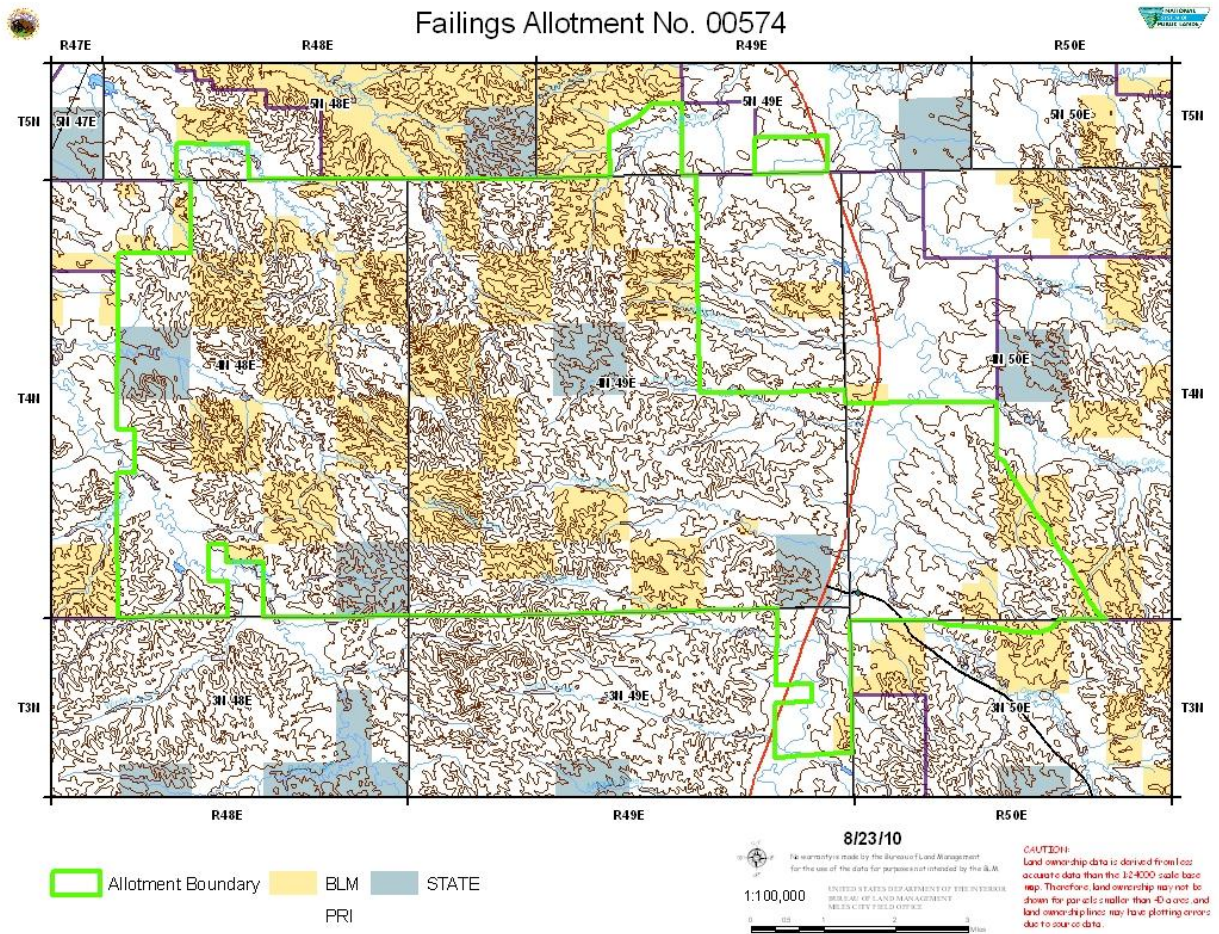
Farmland Reserve, Inc.

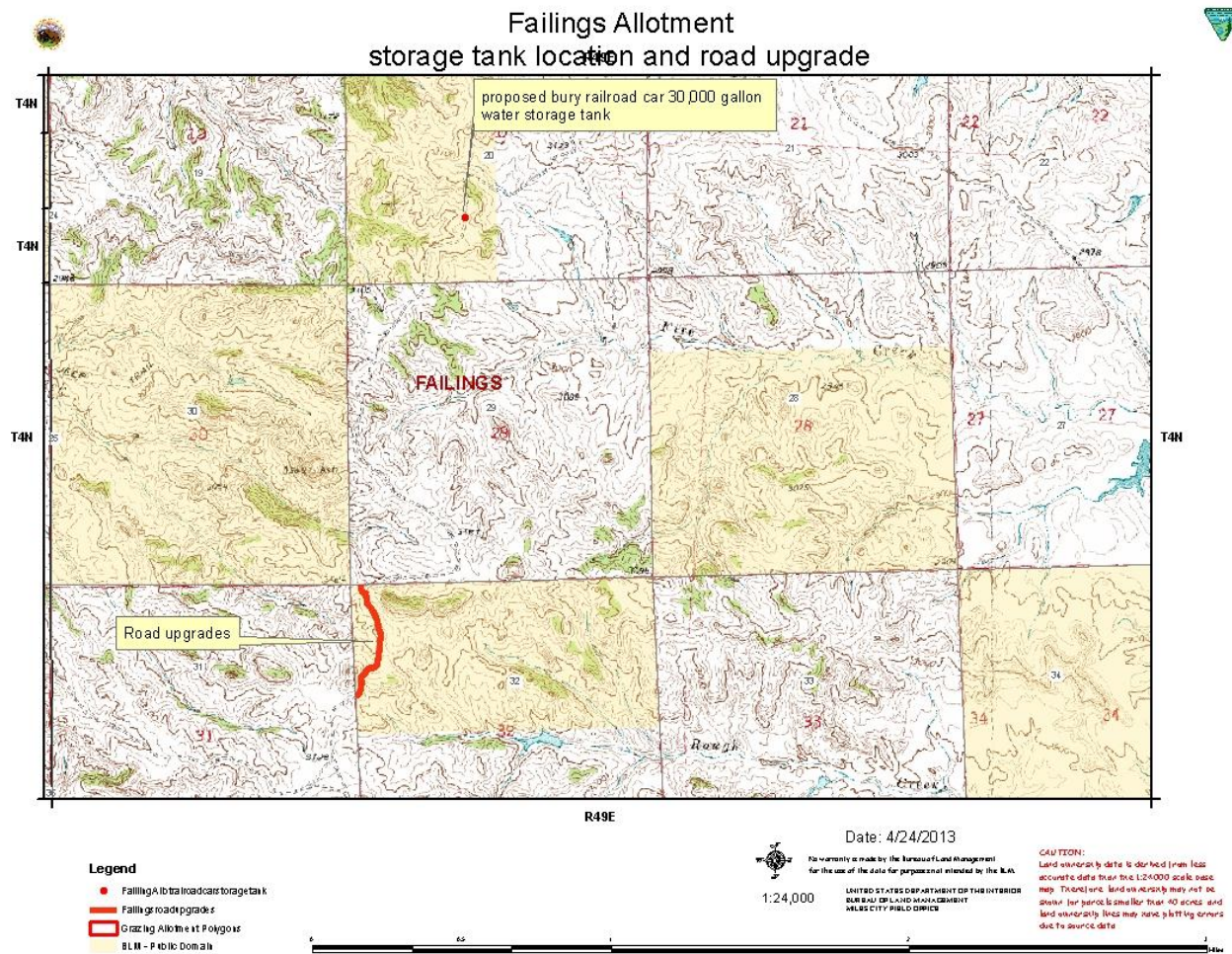
LIST OF PREPARERS:

Dawn Doran, Rangeland Management Specialist

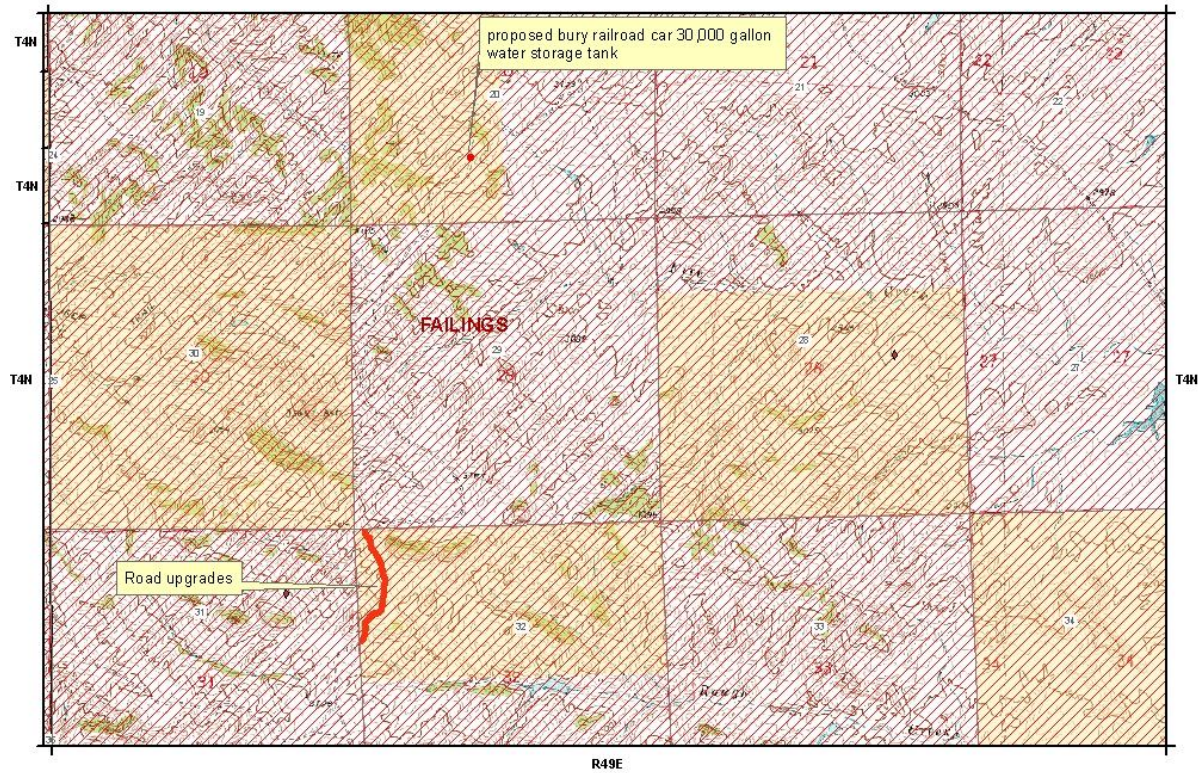
Bobby Baker, Wildlife Biologist

Doug Melton, Archaeologist





Failings Allotment storage tank location and road upgrade



- Legend**
- Failings allotment storage tank
 - Failings road upgrades
 - Skarp-Bald ridge - LEK, BLM-MCPO
 - Grazing Allotment Polygons
 - BLM - Public Domain
 - Not Decided Range

Date: 4/24/2013

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

1:24,000

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILBURY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres and land ownership lines may have shifting errors due to source data.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT

Failings Storage Tank_Road Upgrade
DOI-BLM-MT-C020-2013-0136-EA

BACKGROUND

The origin of the environmental assessment was due to a request from a grazing permittee to modify an existing stockwater pipeline project and install a 30,000 gallon storage tank. Reliable stockwater is needed to implement a deferred rotation grazing system.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0136-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in Record of Decision for the Powder River Resource Management Plan, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision approved in 1997.
- (2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Management Plan, as amended; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action is a site-specific action directly involving less than 2 acres of land administered by the BLM, which by itself does not have international, national, regional, or state-wide importance. The proposed action would occur in the Failings Allotment No. 00574, designated as available for livestock grazing in the Powder River RMP, as amended. The RMP, as amended, anticipated that rangeland improvements, such as water development, fencing, etc., would occur to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing. The proposed action is in accordance with the Powder River RMP.

Under the Proposed Action:

Storage Tank: Modify the existing pipeline project, Failing Pipeline #1 (RIPs No. 417708) to authorize the

permittee to install and bury a 30,000 gallon rail car storage tank on the public domain in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T. 4 N., R. 49 E. . The storage tank location will be excavated to clear an area approximately 100 feet by 30 feet by 10 feet deep. Once the storage tank is set and plumbed into the existing line, the area will be backfilled around the storage tank.

Two Track Road Modification: Widen and straighten the two track road on the public domain in the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 32, T. 4 N., R. 49 E. to allow passage of another 30,000 gallon rail car storage tank. This tank will be placed on deeded land. Only the curved portions of the route will require modification. Trees will be removed along the route's curves and the route will be widened and smoothed to allow a semi pulling a railcar (approximate dimensions of the rail car 50 feet in length x 10 feet in width. Disturbance widths of the road will vary from 12 feet to 50 feet. Maximum length of disturbance is no more than 0.5 miles (See map).

Timing restrictions from March 1 to July 15 will be imposed for the protection of sharp-tailed grouse (March 1 to June 15) and migratory bird (April 15 to July 15) nesting and brood rearing activities for the entire project area.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

1. Impacts that may be both beneficial and adverse. The EA considered both potential beneficial and adverse effects (See EA Table 1, page 3). None of the effects are beyond the range of effects analyzed in the Powder River Resource Management Plan, as amended, to which the EA is tiered.

2. The degree to which the proposed action affects public health and safety. No aspect of the proposed action would have an effect on public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known historic or cultural resource sites that would be affected by the proposed action. A pre-project cultural resource survey was conducted in conjunction with the location of the EA and did not result in the discovery of significant cultural properties. The proposed project would have no effect to cultural properties listed on or eligible for listing on the National Register of Historic Places.. There are no parks, prime farmlands, or wild and scenic rivers in the planning area. As actual field work for the project is completed, cultural or historic resources may be found within project area. These will be protected according to mitigation within the EA and also the stipulations within the Rangeland Improvement Cooperative Agreement.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects of the actions planned under the Proposed Action or alternatives are similar to many other rangeland improvement projects implemented within the scope of the Powder River RMP, as amended. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve

unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this EA is tiered. Rangeland Improvements have been pursued and accomplished for many years in the various vegetation types of the RMP.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP, as amended. Additionally, rangeland improvements within grazing allotments are expected activities within the RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP, as amended.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources (EA, page3).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. This proposed action does not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, or local law.



6/28/2013

Todd D. Yeager
Field Manager
Miles City Field Office

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION**

DOI-BLM-MT-C020-2013-0136-EA

DECISION

It is my decision to select the Proposed Action Alternative as described in the Failings Storage Tank_Road Upgrade EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the installation of a storage tank and improving a road on public lands within the Failings Allotment No. 00574. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan, as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered 1 other alternative. Alternative 2 is the "No Action" alternative, and would carry out no management activities at this time.

RATIONALE FOR SELECTION

The purpose of the action is to create reliable water to provide for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing reliable water so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

CONSULTATION AND COORDINATION

Farmland Reserve, Inc. The Failings Storage Tank_Road Upgrade EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Failings Storage Tank_Road Upgrade EA FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperator for the storage tank. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperator authorization to proceed with the project. Authorization would also be given to improve the two track road.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:
http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf.

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



Field Manager, Miles City Field Office

6/28/2013

Date